

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission

On Its Own Motion

-vs-

J & B Vending Services, Inc.

Citation for failure to file Annual Report

00-0082

CITATION ORDER

By the Commission:

J & B Vending Services, Inc. ("Respondent") is a telecommunications carrier as defined in Section 13-202 of the Public Utilities Act. Respondent was granted a certificate of service authority to provide intrastate telecommunications services.

A Staff Report dated January 12, 2000 and issued by the Chief Clerk of the Commission, recounts that Respondent has failed to file its 1998 Annual Report by March 31, 1999, as required by Section 5-109 of the Public Utilities Act and 83 Ill. Adm. Code 210.

Section 10-113 of the Public Utilities Act, made applicable to the provision of competitive telecommunications services by Section 13-101 of the Act, provides in relevant part:

Anything in this Act to the contrary notwithstanding, the Commission may at any time, upon notice to the public utility affected, and after opportunity to be heard as provided in the case of complaints, rescind, alter or amend any rule, regulation, order or decision made by it.

Section 10-113 of the Act authorizes the Commission to look into the Respondent's conduct to determine whether the Respondent should continue to hold the previously granted certificate of service authority.

The Commission, having considered the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) the Commission has jurisdiction over the Respondent hereto and the subject matter herein;
- (2) the Staff Report, dated January 12, 2000, should be filed in this docket and made a part of the record of this proceeding;

- (3) the recitals of fact set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact; and
- (4) the failure to file the annual report required by Section 5-109 of the Public Utilities Act is an indication that Respondent lacks sufficient managerial resources and abilities to provide the resale of telecommunications service.

IT IS THEREFORE ORDERED that J & B Vending Services, Inc. appear before the Commission at its offices in Springfield, Illinois, at the hour of 10:00 am on February 29, 2000, to adduce evidence with respect to the matters stated hereinabove and to show cause, if any there be, why the Commission should not rescind or suspend the certificate of service authority granted to Respondent and take any other appropriate action.

IT IS FURTHER ORDERED that the failure of the Respondent to appear may result in the entry of an order revoking or suspending the certificate of service authority previously granted to Respondent.

IT IS FURTHER ORDERED that the Staff Report, dated January 12, 2000, shall be filed in this docket and made a part of the record of this proceeding.

IT IS FURTHER ORDERED that this Order is not final; it is not subject to the Administrative Review Law.

By order of the Commission this 26th day of January, 2000.

(SIGNED) Richard L. Mathias

Chairman

(S E A L)